

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P.Q. Docket No. 07-0019
)
Amerijet International, Inc.)
) Consent Decision
Respondent.)

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701-7772)(Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulations promulgated under the Act (7 C.F.R. § 330.111 et seq.). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and

(d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondent in connection with this proceeding.

Findings of Fact

1. Amerijet International, Incorporated, hereinafter referred to as respondent, is an entity with a mailing address of 2800 South Andrews Avenue, Ft. Lauderdale, Florida 33316.

2. On or about May 27, 2003, Amerijet International, Inc., imported fruits and/or vegetables into the United States from the Commonwealth of Dominica and moved the fruits or vegetables from the U.S. port of first arrival located in San Juan, Puerto Rico, prior to the fruits and vegetables being inspected and released by an inspector.

3. On or about June 6, 2004, Amerijet International, Inc., the owner, operator or other representative of an aircraft with tail number N199 AJ and flight number 8614, entered the United States from San Pedro Sula, Honduras at the port of Miami, Florida and failed to provide the Plant Protection and Quarantine Office serving the Port of arrival with the required advance notification of an intent to arrive at the port.

Conclusions

The respondent has admitted the jurisdictional facts, the findings of fact and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order


The respondent, Amerijet International, Inc., is assessed a civil penalty of five thousand dollars (\$5,000.00). The respondent shall send a certified check or money order for five thousand dollars (\$5,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding, P.Q. Docket No. 07-0019.


This Order shall become effective when served on the respondent.

AMERIJET INTERNATIONAL, INC.


By: 

LAURENCE GLASSER, Risk Manager
Respondent


DAVID A. WAGNER
Attorney for Respondent


DARLENE M. BOLINGER
Attorney for Complainant

Issued this 23 day of May, 2007
at Washington, D.C.


Administrative Law Judge